



SMC-01-231

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2829

October 20, 2003

To: Commissioner for Patents

P.O. Box 1450

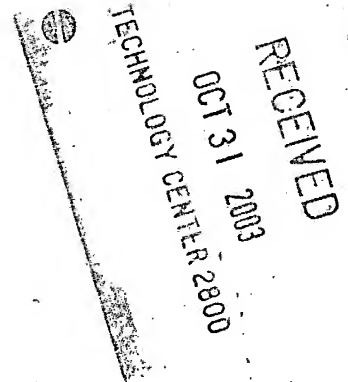
Alexandria, VA 22313-1450

Attn: Art Unit 2829 - Tung X. Nguyen

From: George O. Saile, Reg. No. 19,572

28 Davis Avenue

Poughkeepsie, N. Y., 12603



Subject: | Serial No.: 10/043,864 01/10/02 |

K.T. Chen et al.

A METHOD AND APPARATUS TO ESTIMATE
BURN-IN TIME BY MEASUREMENT OF SCRIBE-
LINE DEVICE, WITH STACKING DEVICE,
AND WITH COMMON PADS

| _ Art Group: 2829 Tung X. Nguyen _ |

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election
Requirement in the Office Action dated 09/24/03. In that
Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first class
mail in an envelope addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on October 23, 2003.

Stephen B. Ackerman, Reg.# 37761

Signature/Date

 10/23/03

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 1-29, and 36-38 to a process, classified in Class 324, subclass 760 and Group II - Claims 30-35 to a reliability evaluation test structure, classified in Class 324, subclass 763.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-29, and 36-38 drawn to a process classified in Class 324, subclass 760. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "a reliability evaluation test structure to reduce area requirements of said test structure when formed on a substrate" and the process Claims are directed to "a method for estimating burn-in time

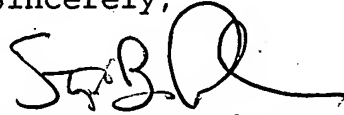
for integrated circuits", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass 324/760 and products class 324/763 in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the invention of group II does not require "a first and second forcing input pad to provide a first and second forcing stimulus to at least one of the evaluation device structures; and the first and second sensing output pad connected to sense a first response from at least one of the evaluation device structures" structure as recited in the invention of group I. The subcombination has separate utility such as a particularly a plurality of evaluation devices formed on a surface of the substrate, and they are placed on the substrate in a stack to reduce area requirement of the test structure when formed on a substrate", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon

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the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,

A handwritten signature in dark ink, appearing to read 'S.B. Ackerman', with a stylized flourish extending from the end.

Stephen B. Ackerman, Reg.# 37761